IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY, TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

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WRIT PETITION NO : 9641 of 1995

Between:

M/s Telangana Spinning & Weaving Mills Ltd. Office at Plot no.62, IInd Floor, Nagarjuna Hills, Punjagutta, Hyderabad, representation. By its Managing Director Sri R.G. Patwari (Administrative Officer)

..... PETITIONER

AND

1. The Labour Court-III, Chandra Vihar, M.J. Road,

Nampally, Hyderabad Presiding Officer.

2. Mr. Syed Moosa C/o A. Krishna Rao, 6-3-234, Premnagar,

Khairatabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue notice, call for records, quash and set aside the award in I.D.No. 572 of 1993, dated: 23.11.1994, published in G.O.Rt. No. 703, dated: 31.3.1995.

Counsel for the Petitioner: CH. RAMESH BABU

Counsel for the Respondent No.1: Govt. Pleader for Labour

Counsel for the Respondent No.2: Mrs. N. Shobha

The Court made the following:

ORAL ORDER:

1. The Writ Petition is filed by the management of the M/s Telangana Spinning and Weaving Mills Limited, Hyderabad challenging the award passed by the Labour Court, Hyderabad in I.D.No. 572 of 1993, dated: 23.11.1994.

2. The termination of the 2nd respondent was challenged by raising an industrial dispute. The tribunal by an award dated: 23.11.1994 granted relief of reinstatement with continuity of service and with regard to the back wages, the tribunal left it open to the workman to file an application before the Labour Court and in case the reinstatement is not possible, appropriate settlement could be entered. Aggrieved by the said award, the present Writ Petition has been filed by the management.

3. During the course of hearing, it is brought to the notice of this Court that the financial position of the company is not sound and placed before the B.I.F.R. Delhi and the appropriate scheme was also sanctioned. In view of this scheme, some of the employees were also paid necessary dues as per the directions in the scheme and company was closed. In view of this situation, this Court suggested appropriate settlement between the parties. The management has come forward to settle the issue by paying Rs.25,000/- towards the full and final payment towards the due to the 2nd respondent and the learned counsel for the respondent has no objection to receive the amount in full settlement of the dues including the claim in application,

pending under Section 17(b) of the Industrial Disputes Act before the Labour Court and also under Section 33(2) of the Industrial Disputes Act. In view of the amicable settlement, we are not inclined to proceed with the matter and having been settled a cheque for a sum of Rs. 25,000/- drawn in favour of the workman drawn on Indian Overseas Bank, Hyderabad Branch, Sultanbazar bearing Cheque No. 334783, dated: 22.1.2005 to the learned counsel for the 2nd respondent under proper acknowledgement. As soon as the banker cheque is delivered to the 2nd respondent, the learned counsel shall obtain the acknowledgement and send the same to the petitioner-management for the purpose of record.

4. Subject to the above settlement, the Writ Petition is closed.

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G.BIKSHAPATHY, J

24-1-2005

CHV

ASSISTANT REGISTRAR

//**TRUE COPY**//

SECTION OFFICER

To

1. Presiding Officer, Labour Court-III,

Chandra Vihar, M.J. Road,

Nampally, Hyderabad

2. (2) C.Cs. to Govt. Pleader for Labour, High Court Buildings, Hyderabad (OUC)

3. (2) CD copies.